

PATENT

Serial No. 09/973,311

Amendment in Reply to Final Office Action of November 30, 2005

REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested.

In the Office Action, claims 1-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0079222 (Boykin) in view of U.S. Patent No. 6,954,456 (Cranor). In response, the following remarks are presented. Applicant respectfully submits that claims 1-28 are patentable over Boykin and Cranor for at least the following reasons.

Boykin is directed to a system and method for distributing perceptually encrypted encoded files of music and movies. As recited on page 22, left column, paragraph [0172], referring to FIG 35, a client wishing to download a file 620 searches the distributed network 610 (FIG 33) for the global list of content/files 630. A list of IP addresses is returned to the client so that the "client has all the storage information about the desired file." (Paragraph [0172], lines 25-26)

As correctly noted by the Examiner, Boykin does not teach or

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suggest that "an indication of a current select IP address associated with a current subset of data is provided in response to a previous request for a previous subset of data," as recited in independent claim 1, and similarly recited in independent claims 10, 14 and 22.

Cranor is cited in an attempt to remedy this deficiency in Boykin. It is respectfully submitted that Cranor is not available as prior art with regard to the present application since Cranor has a U.S. filing date of December 14, 2001 which is after the October 9, 2001 filing date of the present application.

Accordingly, it is respectfully submitted that independent claims 1, 10, 14 and 22, are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-9, 11-13, 15-21 and 23-28 should also be allowed at least based on their dependence from independent claims 1, 10, 14 and 22.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

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presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no official notices are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please direct all future correspondence related to this application to:

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